Wheeling Bridge Co. v. *Wheeling & Belmont Bridge Co.*, 34 W. Va. 155, 11 S. E. 1009. Thus one court has allowed a railroad station platform to be taken for a street under a general power. *State, New York & Long Branch R. Co.* v. *Drummond*, 46 N. J. L. 644. While another has reached the same result with respect to a school lot, although the use was somewhat impaired. *Inhabitants of Easthampton* v. *County Commissioners of Hampshire*, 154 Mass. 424, 28 N. E. 298. In view of such decisions it would seem that a contrary conclusion might well have resulted from a further consideration of the facts in the principal case.

ESTOPPEL — ESTOPPEL IN PAIS — WHETHER SOVEREIGN MAY BE ESTOPPED. — By an avulsion the state acquired whatever right it had to the land in controversy. The plaintiff subsequently held for over twenty years. During this time the state acquiesced in the plaintiff's possession as owner, and the plaintiff made costly improvements and paid the taxes levied by the state. The state thereafter made its first claim to the land. *Held*, that the state is estopped from asserting its claim. *State of Iowa* v. *Carr*, 191 Fed. 257 (C. C. A., Eighth Circ.).

For a discussion of the principles involved, see 19 HARV. L. REV. 126.

EVIDENCE — HEARSAY — PROOF OF RACE OF WITNESS'S PARENTS. — The defendant was indicted under a statute for selling liquor to A., a half-breed Indian. A. was allowed to testify that his father was a Portuguese and his mother a full-blooded Indian. *Held*, that this is not error. *State* v. *Rackich*, 119 Pac. 843 (Wash.).

It is well settled that a witness may testify to his own age. *Commonwealth* v. *Stevenson*, 142 Mass. 466, 8 N. E. 341; *People* v. *Ratz*, 115 Cal. 132, 46 Pac. 915. While often such testimony is hearsay, strictly speaking, the courts have held it admissible, probably because the information derived from family talks, birthdays, and other sources amounts practically to knowledge of the fact. *State* v. *Miller*, 71 Kan. 200, 80 Pac. 51; *Loose* v. *State*, 120 Wis. 115, 97 N. W. 526. See 6 HARV. L. REV. 449. Where it is based on personal observation of events and circumstances of daily life, it is not technically hearsay. *State* v. *Marshall*, 137 Mo. 463, 39 S. W. 63. For the same practical reasons a witness is permitted to testify to the age of members of his family. *Hancock* v. *Supreme Council Catholic Benevolent Legion*, 69 N. J. L. 308, 55 Atl. 246. *Contra, Rogers* v. *De Bardeleben Coal & Iron Co.*, 97 Ala. 154, 12 So. 81. It is submitted that the same considerations apply to testimony as to race. It seems a preferable rule to admit it subject to the discretion of the court in determining adequacy of knowledge and means of observation, rather than to exclude it generally on the ground of hearsay. If it is not admissible as a statement of the witness's own knowledge, it could probably be admitted, under proper conditions, as a statement of the family reputation. See 2 WIGMORE, EVIDENCE, §§ 1500, 1502. But *cf. Wright* v. *Commonwealth*, 72 S. W. 340. And some courts have allowed it to be shown by proof of general reputation in the neighborhood. *Vaughan* v. *Phebe*, Mart. & Y. (Tenn.) 4; *Gilliand* v. *Board of Education*, 141 N. C. 482, 54 S. E. 413. See 2 WIGMORE, EVIDENCE, § 1605.

FRAUDULENT CONVEYANCES — RIGHTS OF CREDITORS — CONVEYANCE OF PARTNERSHIP BUSINESS FRAUDULENT AS TO CREDITORS OF ONE PARTNER. — The business of a partnership composed of two members was by them conveyed to the defendant corporation with intent to defeat the creditors of one of the partners, who afterwards was adjudicated a bankrupt. The fraudulent nature of the conveyance was known to all the parties to it. *Held*, that the conveyance may be set aside by the trustee of the bankrupt partner. *Trustee of Gonville* v. *Patent Caramel Co.*, 105 L. T. 831 (Eng., K. B. D. in Bankruptcy, Nov. 14, 1911).